

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING**

May 20, 2010

7:30 PM

Call to Order

The meeting was called to order by Mr. Bailey, Acting Chair, at 7:51 p.m.

Attendance

Members of the Agency in attendance were:

Lamont R. Bailey

Albert E. Handy

Rodney A. Caines

Members of the Agency who were absent were:

Christopher A. Gioia

Agency staff present consisted of:

Neville G. Mullings, Executive Director

Joseph Santamaria, Assistant Director

Patrice P. Allen, Administrative Assistant

Andrew M. Hyman, In-house Counsel

Minutes of Meeting Held on April 15, 2010

Upon the motion of Mr. Bailey, seconded by Mr. Handy, the minutes of the meeting held on April 15, 2010 were accepted.

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Executive Director's Report

The Executive Director's Report consisted of the following:

Community Development Block Grant ("CDBG") Program

The chart of accounts balance as of May 5, 2010 is \$2,064,121.91. The Nassau County Office of Housing and Intergovernmental Affairs ("OHIA") will hold a public hearing on June 3 in Mineola to discuss the 36th Program Year funding application.

New Cassel Urban Renewal Plan

Mr. Mullings presented the following report:

Site H (Pilot Project) – Await answer from OHIA for the use of CDBG and Homes funds as down payment assistance for the units. Banco Popular has indicated that it is willing to make mortgages to purchasers if HOME Investment Partnership Program and CDBG Funds can be used for down payment assistance to satisfy a minimum twenty percent down payment on the units. OHIA is considering this recommendation.

Site D - BONY Mellon seeking a deed in lieu of foreclosure for this development and wants to meet with the Agency staff in June to discuss changes to the land disposition agreement for the eventual sale of the units.

Status of Other Redevelopment Sites

Mr. Santamaria delivered the following report on the status of the Agency's other development sites:

Site A – The 57 apartments are 100% occupied. On the commercial space, the developer awaits the return of leases for a daycare center of 8,000 square feet, a beauty salon of 1,000 square feet, a pizzeria/restaurant of 4,000 square feet, and a Caribbean restaurant of 1,800 square feet. The developer continues to seek prospective tenants for approximately 5,000 square feet. A dental office is open for business. Mr. Mullings reported that the daycare operator's request to for variances before the Town of North Hempstead Board of Zoning Appeals (the "BZA") was continued until June 26, 2010. The CDA sent a letter of support to the BZA for this application

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Site B - Work resumed in November 2009 is slightly behind schedule. Completion is expected in September 2010.

Site C - Work resumed in November 2009 is slightly behind schedule. Completion is expected in July 2010. Occupancy is scheduled for August 2010.

A lottery will be held for Sites B and C in June 2010 for rental of the apartments. New Cassel residents will be given preference for fifty percent of the units.

Applications for subdivision were filed with Nassau County for both Sites B & C on May 5, 2010 and a hearing will take place on June 10, 2010

Prospect Avenue Parking Area & 714 Prospect Avenue – At 714 Prospect Avenue, the Agency awaits the disconnection of water, which is expected to take 5 weeks. The disconnection of electrical and gas service will be done within a week. Thereafter, the Highway Department will demolish the building and start construction of the remainder of the parking lot.

Prospect Avenue Streetscape Redesign and Reconstruction – Work continues on the north side of Prospect Avenue, which will continue for a few more weeks. Mr. Mullings reported that work on the south side has commenced on the eastern part of Prospect Avenue. Completion of all work is expected in December 2010.

Community Center –Construction bid packages are available at the Town Clerk's office on May 11, 2010 the Town anticipates the start of construction in the Fall of this year.

Operations:

The audit of the Agency's 2009 financial statements and operations by Toski, Schaefer & Company is complete.

Cash Balances:

- Citibank –Lump Sum Account - \$615,241.16
- State Bank of Long Island - Program Income Account - \$764,204.69

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- Citibank –Escrow Account - \$50,889.13

Upon the motion of Mr. Handy, duly seconded by Mr. Caines, the Executive Director's Report (including Mr. Santamaria's status report) was accepted and approved unanimously.

Old Business:

Dave Spara, from Toski, Schaefer & Co., presented the findings of its audit of the Agency's 2009 financial statements, which earned an unqualified opinion. He highlighted certain transactions within the audit. The Board accepted the audit. The financial statement and the audit report were displayed and given to each Board member.

For Consideration

The Board considered the following resolutions:

RESOLUTION NO. 22 (2010)

A RESOLUTION AUTHORIZING THE AGENCY TO RENEW A GROUND LEASE WITH THE TOWN OF NORTH HEMPSTEAD FOR 706-714 PROSPECT AVENUE, WESTBURY, NEW YORK.

WHEREAS, the Town of North Hempstead Community Development Agency (the "Agency") is the owner of 706 Prospect Avenue, New Cassel/Westbury, New York, identified on the Nassau County Land and Tax Map Section 11, Block 91, Lots 48-50 ("706 Prospect"), and 714 Prospect Avenue, New Cassel/Westbury, New York, identified on the Nassau County Land and Tax Map Section 11, Block 91, Lot 51 ("714 Prospect"; together, 706 Prospect and 714 Prospect are hereinafter referred to as the "Premises"); and

WHEREAS, the Town of North Hempstead (the "Town") (i) has redeveloped 706 Prospect into a public parking field containing 26 public parking spaces, (ii) seeks to (A) demolish a single family home at and resurface 714 Prospect so as to provide an additional 8 public parking spaces, and (B) merge 706 and 714 Prospect into a single public parking field containing 34 public parking spaces (together, the "Public Parking Field"), and (iii) operate the Premises as a Public Parking Field (collectively, the activities described in subsections (i) through (iii) are hereinafter referred to as the "Permitted Uses"); and

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WHEREAS, pursuant to Resolution No. 15 (2009), adopted at its meeting held on March 25, 2009, the members of the Agency (the “Members”) authorized the leasing of the Premises to the Town for up to one (1) year in consideration of the payment of \$1 to exercise the Permitted Uses (the “Lease” or the “Proposed Property Disposition”); and

WHEREAS, the Agency is subject to the Public Authorities Accountability Act of 2005, as modified by the Public Authorities Reform Act of 2009 (the “Act”), which permits the disposal of property by negotiation for less than fair market value without publicly advertising for bids if the action is intended to further an economic development interest of a political subdivision of the State of New York; and

WHEREAS, redevelopment and operation of the Premises by the Town as a Public Parking Field would further an economic development interest thereof insofar as it would effectuate the purposes of the Urban Renewal Plan by providing public parking to patrons of retail stores along Prospect Avenue, thereby generating economic activity that would revitalize the Urban Renewal Area; and

WHEREAS, pursuant to Section 20 of the Act, the Members, by resolution, have adopted Agency Guidelines for the Disposition of Property (the “Guidelines”); and

WHEREAS, it is required that a “lead agency” be established to review this Project pursuant to the rules and regulations for implementation of the State Environmental Quality Review Act as set forth in Title 6, Part 617.6 (b) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”); and

WHEREAS, the Agency, through action of the Members, wishes to establish itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Members, having reviewed the determination of the Executive Director of the Agency, dated May 20, 2010, and the Negative Declaration indicating that the Action constitutes an “unlisted action” pursuant to Section 617.2 (ak) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form (“SEAF”); and

WHEREAS, the Lease term expired on April 30, 2010; and

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WHEREAS, Agency staff recommends that the Members authorize renewal of the Lease for an additional year, to expire on April 30, 2011 (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby establish the Agency as lead agency pursuant to the SEQRA Regulations; and be it further

RESOLVED, that the Members hereby adopt the determination of the Executive Director of the Agency and the Negative Declaration dated May 20, 2010, finding that the Project is an “unlisted action” which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the SEAF, and further finds that the Action will not result in any significant adverse environmental impacts, and will introduce needed park land into an existing residential / commercial area; and be it further

RESOLVED, that the Members hereby authorize the Executive Director of the Agency to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determinations and findings made pursuant to the SEQRA Regulations; and be it further

RESOLVED, that the Members hereby authorize and adopt the Staff Recommendation; and

RESOLVED, that the Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Handy, seconded by Mr. Bailey, the resolution was unanimously adopted.

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RESOLUTION NO. 23 (2010)

A RESOLUTION AUTHORIZING THE MAKING OF AN EMERGENCY GRANT TO OLUREMI ADEDOKUN FOR THE REHABILITATION OF 216c GRAND STREET, WESTBURY, NEW YORK.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Oluremi Adedokun (the “Owner”) of 216c Swalm Street, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 11, Block 112, Lot 930 (the “Premises”), for Residential Rehabilitation Program (the “Program”) financial assistance for the correction of existing conditions, including, without limitation, emergency improvements to stop a water main leak between the house at the Premises and the meter pit, and the leaking of storm water from a house demising wall (the “Project”), as more particularly stated in the summary attached hereto (the “Case Summary”); and

WHEREAS, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance, and qualify for funding in the form of an emergency grant in the maximum sum of \$6,000 (the “Emergency Grant”); and

WHEREAS, Agency staff has recommended to the members of the Agency (the “Members”) that, based upon the Case Summary, they authorize the making of a Emergency Grant to carry out the Project, and the procurement competitive bids from contractors (“Bidders”) for the undertaking and completion of the Project, and the selection of the lowest responsible Bidder for the undertaking and completion of the Project (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

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Upon the resolution of Mr. Handy, duly seconded by Mr. Caines, the resolution was unanimously adopted.

RESOLUTION NO. 24 (2010) (Amended)

A RESOLUTION AUTHORIZING THE MAKING OF A CONDITIONAL GRANT TO ROSLYN WILSON FOR THE REHABILITATION OF 169 SYLVESTER STREET, WESTBURY, NEW YORK.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Ms. Roslyn Wilson and Mr. Michael Hardy (the “Owner”) of 169 Sylvester Street, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 10, Block 21, Lot 73 (the “Premises”), for Residential Rehabilitation Program (the “Program”) financial assistance for the correction of existing conditions, including, without limitation, a deteriorated roof, gutters, window wells, siding, stoop, walkway, electric service, smoke and carbon monoxide detector, safety outlet and boiler x-type gypsum board, and to address lead based materials, if any (the “Project”), as more particularly stated in the summary attached hereto (the “Case Summary”); and

WHEREAS, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance, and qualify for funding in the form of a loan in the maximum sum of \$25,000, secured by a mortgage against the Premises, and which, on terms and conditions established by the Agency, converts to a grant after five (5) years (a “Conditional Grant”); and

WHEREAS, Agency staff has recommended that the Owner be provided with the Conditional Grant and assistance to procure competitive bids from contractors (“Bidders”) for the undertaking and completion of the Project, and the selection of the lowest responsible Bidder for the undertaking and completion of the Project (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

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RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Handy, duly seconded by Mr. Caines, the resolution, as amended, was unanimously adopted.

RESOLUTION NO. 25 (2010)

A RESOLUTION AUTHORIZING THE MAKING OF A CONDITIONAL GRANT TO DULCIE MULLINGS FOR THE REHABILITATION OF 178 CATHERINE STREET, WESTBURY, NEW YORK.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Ms. Dulcie Mullings (the “Owner”) of 178 Catherine Street, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 11, Block 127, Lot 119 (the “Premises”), for Residential Rehabilitation Program (the “Program”) financial assistance for the correction of existing conditions, including, without limitation, a deteriorated roof, gutters, windows, entry doors, garage door, mailbox, house numbers entry light, kitchen; wall oven, exhaust fan, sink, faucet, counter and safety outlets, hall bath; lavatory, faucet, shower body, tub-drain and safety outlet, master bath; shower head and safety outlet, boiler room; x-type gypsum board, venting, fire door, light, east foundation wall leaking and handsets, and the securing of permits for a basement bathroom and a wall (the “Project”), as more particularly stated in the summary attached hereto (the “Case Summary”); and

WHEREAS, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance, and qualify for funding in the form of a loan in the maximum sum of \$25,000, secured by a mortgage against the Premises, and which, on terms and conditions established by the Agency, converts to a grant after five (5) years (a “Conditional Grant”); and

WHEREAS, Agency staff has recommended that the Owner be provided with the Conditional Grant and assistance to procure competitive bids from contractors (“Bidders”) for

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the undertaking and completion of the Project, and the selection of the lowest responsible Bidder for the undertaking and completion of the Project (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Handy, duly seconded by Mr. Bailey, the resolution was unanimously adopted.

Old Business

The Board was presented with a letter from Juster Acquisition Co., Inc. expressing interest in financing the proposed redevelopment of Site E by a joint venture between The Sheldrake Organization and Unified New Cassel Community Revitalization Corporation. The joint venture was de-designated as the redeveloper of the site pursuant to Resolution No. 18 (2010), adopted at the March 25, 2010.

Adjournment

Upon the motion of Mr. Caines, seconded by Mr. Handy, the members of the Agency, by unanimous vote, adjourned the meeting at 9:09 p.m.